

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Musla Salat,

Case No. 20-cv-1349 (WMW/DTS)

Petitioner,

v.

REPORT AND RECOMMENDATION

Barr, et al.,

Respondent.

Petitioner Musla Salat is a citizen of Ethiopia presently detained in the custody of the United States Immigrations and Customs Enforcement. He filed this petition for a writ of habeas corpus seeking relief from his prolonged pre-removal detention¹ and asking this Court to order a bond hearing. Pet'r's Pet., June 11, 2020, Dkt. No. 1. But before this Court addressed Salat's petition, the Board of Immigration Appeals decided Salat's case and ordered him finally removed. Salat filed a joint stipulation dismissing the federal respondents, Stip. Dismiss., July 29, 2020, Dkt. No. 7, but not Kandiyohi County Sheriff Eric Holien, who remains a named respondent to this case.

During removal proceedings the government may detain an alien under 8 U.S.C. § 1226(c) for the "brief period necessary" to conduct the proceedings. *Demore v. Kim*, 538 U.S. 510, 513 (2003). Once an alien is subject to a final order of removal, the government's justification for detention is no longer to conduct the removal proceedings but to effectuate removal. *Zadvydas v. Davis*, 533 U.S. 678 (2001). In effect, once a final removal order is issued, the government's clock restarts.

¹ Salat was subject to mandatory detention under § 1226(c).

Because Salat is now subject to a recently issued final order of removal, his habeas petition is moot. The government is now permitted time to coordinate Salat's removal. Should Salat's post-removal detention extend beyond that permitted by the Constitution, he may file a new habeas petition.

RECOMMENDATION

For these reasons, IT IS HEREBY RECOMMENDED THAT:

1. Petitioner Musla Salat's petition for a writ of habeas corpus (Docket No. 1) be **DENIED AS MOOT**;
2. This action be dismissed;
3. That judgment be entered accordingly.

Dated: September 18, 2020

s/David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of those objections. Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).